

Please reply to Dominique R. Scalia
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June 21, 2022

The Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007
EngelmayerNYSDChambers@nysd.uscourts.gov

Re: *James Fortune v. Planck, LLC*, Case no. 1:22-cv-03381-PAE

Dear Judge Engelmayer,

This firm represents Planck, LLC, the named Defendant in the above-referenced matter (the “Defendant”). Jointly with counsel for Plaintiff James Fortune (the “Plaintiff”), we respectfully move the Court, pursuant to Paragraph 1.A. and 1.E. of the Court’s Individual Rules and Practices, for an extension of the deadline set by the Court’s June 13, 2022 *Order to Show Cause*, by which deadline the Plaintiff is required to submit a motion for default judgment herein.

In support of this Motion, the parties note the following:

1. The Court entered its *Order to Show Cause* on June 13, 2022. The Order instructed Plaintiff to file a motion for default judgment by June 21, 2022. ECF No. 8.
2. The Clerk entered a Certificate of Default herein on June 14, 2022. ECF No. 11. Counsel for the Defendant learned of the suit on June 15, and promptly filed its Appearance of Counsel that day. ECF No. 12.
3. This is the parties’ first request for any extension of time in this matter.
4. The parties are currently engaging in settlement discussions and are requesting this additional time to continue those discussions.
5. Both Plaintiff and Defendant consent to the relief requested.
6. The proposed extended deadline for Plaintiff to file a motion for default judgment is **July 8, 2022**.

The requested extension will not affect any other deadline, and is made good faith, not for the purpose of delay. Granting this extension will not prejudice any party to this matter, each of whom has consented hereto.

Thank you for your consideration of this request.

Sincerely,

DBS | Law



By

Dominique R. Scalia
Counsel for Defendant

cc: Craig B. Sanders, Esq., csanders@sanderslaw.group
Joshua Vera, Esq., jvera@sanderslaw.group
Counsel for Plaintiff

Granted. SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge
6/21/22